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ABSTRACT

Since public libraries contain copyrighted works in the form of print, electronic or audiovisual sources, librarians and library paraprofessionals need to possess sufficient knowledge of United States copyright law to meet the information needs of patrons successfully and legally. A literature review revealed that minimal works address this topic. This study examined levels of knowledge of copyright law among librarians and library paraprofessionals employed in adult services. An anonymous questionnaire was used to survey a small sample of librarians and paraprofessionals employed at one public library system in the United States to learn their knowledge of copyright law during reference transactions. The questionnaire illustrated five scenarios of reference transactions that librarians and paraprofessionals might encounter with library patrons. Based on individual knowledge of The Copyright Act of 1976 and how specific sections pertain to libraries, participants selected answers by marking lines where library employees responded appropriately or inappropriately in each scenario. Of the 23 persons surveyed, 13 persons--7 librarians and 6 library paraprofessionals--chose to participate, for a 57% response rate. The librarians received professional library training by the attainment of degrees as Master of Library Science (M.L.S.) or Master of Library and Information Science (M.L.I.S.), and also held degrees as Bachelor of Arts (B.A.) or Bachelor of Science (B.S.). The paraprofessionals held degrees as B.A. or B.S., but none held M.L.S. or M.L.I.S. degrees. This study anticipated that librarians would exhibit higher knowledge levels of copyright law than paraprofessionals. The librarians chose the preferred answers based upon The Copyright Act of 1976 in 4 of the 5 scenarios. The paraprofessionals chose the preferred answers in three of the five scenarios and tied in two of the five scenarios. Although this small survey did not meet anticipated participation levels, the study provides a framework on which to base further research. If the results of this study indicate a trend among responses of librarians and library paraprofessionals, then library employees may not be sufficiently knowledgeable about copyright law pertaining to reference transactions in adult services at public libraries in the United States. The questionnaire is appended. (Contains 76 references.) (Author/AEF)

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# KNOWLEDGEABILITY OF COPYRIGHT LAW AMONG LIBRARIANS AND LIBRARY PARAPROFESSIONALS EMPLOYED IN ADULT SERVICES AT A LARGE PUBLIC LIBRARY SYSTEM

A Master's Research Paper submitted to
the Kent State University School of Library
and Information Science in partial fulfillment
of the requirements for the degree of Master of
Library and Information Science

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by

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May, 2002

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ABSTRACT

Librarians and library paraprofessionals communicate with library patrons during reference transactions to meet their information needs. Whether these information needs center on recreational or research purposes, librarians and library paraprofessionals utilize print, electronic or audiovisual sources to retrieve relevant and accurate information for library patrons. Since public libraries contain copyrighted works in the form of print, electronic or audiovisual sources, librarians and library paraprofessionals need to possess sufficient knowledge of United States copyright law to meet the information needs of library patrons successfully and legally. A literature review revealed that minimal works address this topic. While public libraries serve the needs of adults, young adults and children, this study examined the levels of knowledgeability of copyright law among librarians and library paraprofessionals employed in adult services. This study used an anonymous questionnaire to survey a small sample of librarians and library paraprofessionals employed at one large public library system in the United States to learn their knowledgeability levels of copyright law during reference transactions. The questionnaire illustrated five scenarios of reference transactions that librarians and library paraprofessionals might encounter with library patrons. Based on individual knowledge of The Copyright Act of 1976 and how specific sections pertain to libraries, participants selected answers by marking lines where library employees responded appropriately or inappropriately in each scenario. Of the twenty-three persons surveyed, thirteen persons, composed of seven librarians and six library paraprofessionals, chose to participate. The response rate equaled fifty-seven percent. While no respondents held degrees as Juris Doctor (J.D.), the librarians received professional library training by the attainment of degrees as Master of Library Science (M.L.S.) or Master of Library and Information Science (M.L.I.S.). In addition to M.L.S. or M.L.I.S. degrees, these librarians held degrees as Bachelor of Arts (B.A.) or Bachelor of Science (B.S.). The library nonprofessionals held degrees as Bachelor of Arts (B.A.) or Bachelor of Science (B.S.), but none held M.L.S. or M.L.I.S. degrees. This study anticipated that librarians would exhibit higher knowledgeability levels of copyright law than library paraprofessionals. The librarians chose the preferred answers based upon The Copyright Act of 1976 in four of the five scenarios. The library paraprofessionals chose the preferred answers in three of the five scenarios. The six library paraprofessionals tied in two of the five scenarios. Although the results of this small survey did not meet anticipated participation levels, this study provides a framework for which to base further research using an extensive study on this topic. If the results of this study indicate a trend among responses of librarians and library paraprofessionals, then library employees may not be sufficiently knowledgeable about copyright law pertaining to reference transactions in adult services at public libraries in the United States.

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# CHAPTER I

## INTRODUCTION

In public libraries in the United States, librarians and library paraprofessionals communicate with library patrons during reference transactions to meet their information needs. Whether these information needs center on recreational or research purposes, librarians and library paraprofessionals utilize print, electronic or audiovisual sources to retrieve relevant and accurate information for library patrons. Since public libraries contain copyrighted works in the form of print, electronic or audiovisual, librarians and library paraprofessionals need to possess adequate knowledge of United States copyright laws to meet the information needs of library patrons successfully and legally. Do public libraries define standards of knowledgeability of copyright law for its librarians and library paraprofessionals? Do public libraries, librarians and library paraprofessionals keep current of changes in copyright law or pending developments? How do public libraries, librarians and library paraprofessionals stay informed of these changes? Do librarians and library paraprofessionals knowingly or unknowingly violate United States copyright law by infringing on the rights of copyright holders during reference transactions with library patrons in public libraries? While public libraries serve the needs of adults, young adults and children, this study examines the levels of knowledgeability of copyright law among librarians and library paraprofessionals.

## CHAPTER II

## LITERATURE REVIEW

Within the professional literature in the field of library and information science, numerous works explain copyright law, the sections of copyright law pertaining to libraries and library employees, the history of copyright law, the penalties for copyright infringement and the procedures to obtain copyright protection. Within these works, the authors provide examples of academic librarians and library paraprofessionals employed in academic libraries, special librarians and library paraprofessionals employed in special libraries and school librarians and library paraprofessionals employed in school libraries. In these examples, topics may range from reserve collections at academic libraries to current awareness services at corporate or scientific libraries to classroom instruction for teachers and library staff at school libraries. The examples for academic, special and school libraries outnumber the examples for public libraries. Few works address the issue of knowledgeability of copyright law for librarians and library paraprofessionals employed in public libraries.

While works stress the importance of librarians and library paraprofessionals to stay knowledgeable of copyright law, these works appear to lack studies that measure of the copyright law knowledgeability levels of librarians and library paraprofessionals, who work in adult services in public libraries and typically do not hold law degrees. These works do not indicate knowledgeability levels reflect uniformity or disagreement on the application of copyright law in library policies for public libraries. The literature

review on the topic of the knowledgeability levels of copyright law among librarians and library paraprofessionals employed in public libraries presents a condensation of the history of copyright legislation, definitions of copyright, key points expressed by numerous authors on copyright law with emphasis on The Copyright Act of 1976, recent legislative activity surrounding copyright law in the United States, an examination of the works of four authors who address copyright law and public libraries, and suggestions to base future research on this topic.

In order to increase the knowledgeability levels of copyright law among librarians and library paraprofessionals in public libraries, a summary on of the history of copyright legislation provides a background to understand how these pieces of legislation enable libraries to operate. Several authors in the field of library and information science identify important dates and legislation in the history of copyright law. Jay Althouse points to the passage of laws in sixteenth and seventeenth century in England that shaped the formation of copyright law in the United States. When Johann Gutenberg invented the moveable type printing press, public access to printed works multiplied. The creation of libraries and national libraries proliferated.[1] When printers cheated authors and printers produced works containing criticism of the King of England, the British Parliament responded by passing The Licensing Act in 1556.[2] Although

[1]Arlene Bielefield and Lawrence Cheeseman, *Libraries & Copyright Law*, Libraries & Law Series (New York: Neal-Schuman Publishers, Inc., 1993), 24.

[2]Jay Althouse, *Copyright: The Complete Guide for Music Educators* (East Stroudsburg, PA: Music in Action, 1984), 12-13.

Parliament designed this act as a form of censorship and not protection for the rights of authors, this act addressed the changes in communication during that time period.[3] The Stationers' Company, created by King Henry VIII and chartered under Queen Mary in 1556, censored works and prohibited the publication of offensive works, according to authors Arlene Bielefield and Lawrence Cheeseman.[4] According to Andrew Alpern, The Licensing Act, which expired in 1695, influenced the creation of The Statue of St. Anne in 1710, which provided a model The Act of 1790 in the early days of the United States St. Anne as 1710.[5] Jasper elaborates on The Act of 1790. The United States Congress required authors or proprietors of eligible works to register with the appropriate clerk of the district court and to deliver copies of these works to the Secretary of State within six months of publication.[6] When works broadened as new forms of communication emerged, revisions occurred to The Act of 1790 to protect these new works.[7]

When new forms of media surfaced and expanded the availability of works, The Act of 1790 covered these new works through revisions. Prints gained copyright

[3]Ibid.

[4]Bielefield and Cheeseman, 24-25.

[5]Laura N. Gasaway, "Copyright Law in the Digital Age," (Lecture Presented at the Cleveland Area Metropolitan Library System Workshop at Euclid Public Library on Copyright Law and Libraries, Euclid, OH, 22 September 2000), Law School, University of North Carolina, Chapel Hill, NC, 7.

[6]Margaret C. Jasper, *The Law of Copyright*, 2d ed. Oceana's Law for the Layperson. Legal Almanac Series (Dobbs Ferry, NY: Oceana Publications, Inc., 2000), 2.

[7]Ibid.

protection in 1802.[8] Musical compositions gained copyright protection in 1831.[9] Dramatic compositions gained copyright protection in 1856.[10] Photographs gained copyright protection in 1865.[11] Paintings, drawings, sculptures and models or designs for works of fine arts gained copyright protection in 1870.[12] In addition to the inclusion of various works, term limits for copyright protection also changed.[13]

As works evolved, The Act of 1790 redefined term limits through amendments. The 1831 amendment to the Act of 1790 lengthened the initial fourteen year term, which was renewable for an additional fourteen years, to an initial twenty-eight year term with a fourteen year renewal privilege only available to the author or the widow and children of the author.[14] In the twentieth century, monumental revisions updated United States copyright law.

When new inventions contributed to the emergence of new technologies, revisions to the copyright law and conventions launched directed efforts to modify existing laws. Two revisions to United States copyright law happened in 1909 and 1976. According to Gasaway, The Copyright Act of 1909 completely revised previous

[8]Ibid.

[9]Ibid.

[10]Ibid.

[11]Ibid.

[12]Ibid.

[13]Ibid.

[14]Ibid.

copyright law by dealing with the beginnings of new technologies such as motion pictures and sound recording industries.[15] Jasper expounded on several key components of The Copyright Act of 1909. The components consisted of including copyright protections for all works of authorship, requiring all copies of published works carry notices of copyright which meet certain form and location placement specifications and entering into the public domain for persons to copy freely all works that omitted or incorrectly displayed notices of copyright.[16] Unable to meet the 1886 ratification requirements of The Berne Convention for the Protection of Literary and Artistic Works through amendments, The Copyright Act of 1909 permitted published works to fall into the public domain due to failure to bear formal notices of copyright.[17] This act detailed changes to term limits. It designated an initial twenty-eight year term limit and a twenty-eight year renewal term for a total of fifty-six years of copyright protection.[18] The Copyright Act of 1909 established that copyright protection begins at the moment of publication instead of the registration filing date. The Copyright Act of 1909 furnished a registration system to obtain copyright protection for published works and certain unpublished works. This act sought to weigh the proprietary rights of creators with the

[15]Gasaway, 7.

[16]Jasper, 3.

[17]Ibid.

[18]Jasper, 3.

interest of the general public.[19] While The Copyright Act of 1909 set forth changes to United States copyright law in the first half of the twentieth century, The Copyright Act of 1976 altered copyright law in the second half of the twentieth century.

Although few works in the field of library and information science center on the knowledgeability levels of copyright law among librarians and library paraprofessionals not employed in law libraries, many works identify the elements of The Copyright Act of 1976. These elements can be applied to public libraries to ascertain the knowlegeability levels of copyright law of librarians and library paraprofessionals who work in adult services. Several authors define copyright before they cover the complexities of The Copyright Act of 1976. "Copyright is, literally the right to copy [and] the main purpose of copyright in the United States is to produce a public benefit," states Althouse.[20] Althouse adds that "copyright laws foster creativity and the distribution of artistic works."[21] Gasaway defines copyright as "the right to copy" and "the legally secured right to publish and sell the substance and form of a literary, artistic or musical work."[22] "Copyright exists from the time an author produces an original work of authorship (not copied from someone else) and fixes it in a tangible form of expressions, " states

[19]Ibid.

[20]Althouse.

[21]Ibid.

[22]Gasaway, 7.

Gasaway.[23] Llyod J. Jassin and Steven C. Schechter define copyright as "...a bundle of exclusive rights that provides authors of original literary, musical, dramatic, and artistic works with the sole right to authorize (or prohibit) ...uses of their copyrighted works."[24] While he contrasts copyright to property, William S. Strong also compares copyright to property. Strong states that "copyright is property, it can be sold, given away, donated to charity, bequeathed by will, or rented out on whatever terms the owner desires [and] the same is true of any subsidiary right, such as the right to publish, the right to perform, and so on."[25] Janis H. Bruwelheide defines copyright as "...a statutory privilege extended to creators of works that are fixed in a tangible medium of expression."[26] In the field of library and information science and crossing into the field of law, numerous authors provide definitions of copyright and turn to The Copyright Act of 1976 for legal definitions.

The Copyright Act of 1976 can be located in Title 17 of the *United States Code Annotated*. Numerous sections compose Title 17. In The Copyright Act of 1976, sections 107 and 108 address libraries, library employees and library patrons. Although

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[23]Gasaway, "Intellectual Property or Copyright?," *Information Outlook* 5, no. 6 (June 2001): 65-66.

[24]Lloyd J. Jassin and Steven C. Schechter, *The Copyright Permission and Libel Handbook: A Step-by-Step Guide for Writers, Editors, and Publishers*, (New York: John Wiley & Sons, Inc., 1998), 10.

[25]William Strong, *The Copyright Book: A Practical Guide*, 2d ed. (Cambridge, MA: The MIT Press, 1984), 41.

[26]Janis H. Bruwelheide, *The Copyright Primer for Librarians and Educators*, 2d ed. (Chicago: American Library Association, 1995), 4.

many authors examine all the elements of The Copyright Act of 1976, an examination of five sections of this act aide in the education librarians and library paraprofessionals employed in adult services at public libraries by becoming aware of copyright law and legal issues pertaining to libraries and by widening their knowledgeability levels.

In The Copyright Act of 1976, section 101 defines important terms relating to United States copyright law, section 102 lists the eight categories of works covered under copyright protection, section 106 addresses the exclusive rights in copyrighted works, section 107 covers fair use and 108 addresses reproduction by libraries and archives. Based upon its findings, this study chooses sections of The Copyright Act of 1976 to which numerous authors referred when examining copyright law, libraries, librarians and library paraprofessionals. This study does not attempt to provide legal analysis of these five sections of The Copyright Act of 1976. This study investigates how these sections provide an understanding of copyright law and supply the information necessary to implement ideas for a methodology to learn the knowledgeability levels of library employees whose predominant job responsibilities involve working the adult reference desks in public libraries.

First, sections 101 and 102 of The Copyright Act of 1976 will be explored. Section 101 of The Copyright Act of 1976 legally defines copyright and it provides length descriptions for numerous terms.[27] No longer required to register for copyright protection with the clerks of district courts as in the early history of United States

[27] *United States Code Annotated, Title 17, Copyrights § 1 to 500* (St. Paul, MN: West Publishing Co., 1996) 7-47.

copyright law, authors need to register for copyright protection with the United States Copyright Office in the present time.[28] The Copyright Act of 1976 identifies eight categories of original works that authors may register for copyright protection.[29] Section 102 identifies eight categories of protected under copyright.[30] These eight categories consist of the following items: (1.) literary works; (2.) musical works, including any accompanying words; (3.) dramatic works, including any accompanying music; (4.) pantomimes and choreographic works; (5.) pictorial, graphic, and sculptural works; (6.) motion pictures and other audiovisual works; (7.) sound recordings and (8.) architectural works.[31] Section 101 lists these eight categories. Section 102 touches on uncopyrighted works, for example works that pass into public domain.[32] Term limits of copyright determine when copyrighted works will no longer be protected under copyright and enter public domain.[33] The Copyright Act of 1976 grants five exclusive rights to the authors. These five exclusive rights include (1.) reproduction, (2.) distribution, (3.)

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[28]Jasper, 2.

[29]Bielefield and Cheeseman, 36.

[30]Gasaway, "Copyright Law in the Digital Age," 13.

[31]Bielefield and Cheeseman, 36.

[32]R. S. Talab, *Commonsense Copyright: A Guide for Educators and Librarians*, 2d ed. (Jefferson, NC: McFarland & Company, Inc., 1999), 12.

[33]Ibid.

adaptation, (4.) performance and (5.) display.[34] Since the majority of libraries own items in these eight categories, libraries need differentiate between the rights of authorship held by the copyright owners and the rights of ownership held by libraries. This study will consider these differences in a later section which profiles four authors who delve into the area of copyright law and libraries, particularly public libraries, and present material which can be used to the future to train and to improve the knowledgeability levels of librarians and library paraprofessionals on copyright law during reference transactions with adults in public libraries. After exploring sections 101 and 102 of The Copyright Act of 1976, sections 106, 107 and 108 will be examined.

While sections 107 and 108 of The Copyright Act of 1976 focus on fair use and reproduction by libraries and archives, respectively, section 106 centers on the exclusive rights in copyrighted works.[35] Section 106 provides the owner of copyright with six exclusive rights to do and to authorize the following actions. First, the owner of copyright has the exclusive right "to reproduce the copyrighted work in copies of phonorecords."[36] Second, the owner of copyright has the exclusive right "to prepare derivative works based upon the copyrighted work."[37] Third, the owner of copyright has the exclusive right "to distribute copies or phonorecords of the copyrighted work to the

[34]Laura Gasaway and Sarah K. Wiant, *Libraries and Copyright: A Guide to Copyright Law in the 1990s* (Washington, DC: Special Libraries Association, 1994), 19-20.

[35]Ibid., 139-155.

[36]Ibid.

[37]Ibid.

public by sale or other transfer of ownership, or by rental, lease, or lending."[38] Fourth, the owner of copyright has the exclusive right "in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly."[39] Fifth, the owner of copyright has the exclusive right "in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly."[40] Sixth, the owner of copyright has the exclusive right "in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission."[41] After looking at section 106 of The Copyright Act of 1976, sections 107 and 108 illustrate the important laws that link copyright law and libraries.

Of the five sections profiled, many authors in the fields of library and information, who also write in the field of law about the topic of copyright and libraries, dedicate large portions of their scholarly writings to sections 107 and 108 of The Copyright Act of 1976. Section 107 focuses on fair use.[42] Section 108 concentrates on reproduction by

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[38]Ibid.

[39]Ibid.

[40]Ibid.

[41]Ibid.

[42]Ibid., 155-217.

libraries and archives.[43] While the majority of works by these authors contain examples law libraries, academic libraries and school libraries to support the description and legal analysis of sections 107 and 108, these concepts may also apply to public libraries, especially adult services. Following an examination of section 107 of The Copyright Act of 1976, section 108 will be investigated.

In The Copyright Act of 1976, section 107 centers on fair use. Several authors include the text of section 107 in their works. "Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies of phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching, (including classroom use), scholarship, or research, is not an infringement of copyright [and] [i]n determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include [the following four factors]," states the text of section 107 on fair use.[44] The first factor needs to consider "the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes."[45] The second factor needs to consider "the nature of the copyrighted work."[46] The third factor needs to consider "the amount and substantiality of the portion used in relation to the

[43]Ibid., 217-226.

[44]Ibid.

[45]Ruth H. Dukelow, *The Library Copyright Guide*, (Washington, DC: The Association for Educational Communications and Technology, 1992), 91.

[46]Ibid.

copyrighted work as a whole."[47] The fourth factor needs to consider "the effect of the use upon the potential market for or value of the copyrighted work."[48] All factors need to be weighed before determining whether a "good faith fair use doctrine."[49] Except for the guidelines for classroom copying which permit teachers to make single and multiple copies for classroom instruction, libraries need to make reasonable efforts, good faith efforts, to acquire an unused replacement at a fair price if the published work appears damaged, deteriorated, stolen, or lost.[50] According to Gasaway and Wiant, market effect factors into decisions on the application of fair use.[51] Gasaway and Wiant mention six market factors which include (1.) accessibility of the work, (2.) date of the work, (3.) economic life of the work, (4.) availability of copies on the market, (5.) price of the work and (6.) evidence of abandonment.[52] Gasaway notes that section 107 focuses more on individuals and section 108 focuses more on libraries and library staff.[53] In addition to section 107 of The Copyright Act of 1976, section 108 also pertains to libraries.

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[47]Ibid.

[48]Ibid.

[49]Jasper.

[50]Strong.

[51]Gasaway and Wiant, 30-31.

[52]Ibid.

[53]Gasaway, 26.

While section 107 focused on fair use, section 108 revolves around reproduction by libraries and archives. Several authors include the text of section 108 in their works on this topic in the field of library and information science and in the field of law. Gasaway outlines and summarizes the nine subsections of section 108. Gasaway refers to section 108(a) as the library exemption that pertains to libraries and library staff.[54] Section 108(a) states that "it is not infringement for a library, archives or their employees acting within a scope of their employment to reproduce no more than one copy of a work, except as provided in subsections (b) and (c), and distribute it [under the following three conditions.][55] Gasaway notes that the phrase "except as provided in subsections (b) and (c)" reflect recent changes in the wording of this section. First, "[t]he reproduction and distribution is made without direct or indirect commercial advantage."[56] Second, "[t]he collection is either open to the public or to researchers doing research in the same field [for example, interlibrary loan.]"[57] Third, "[t]he reproduction and distribution of the work contains a notice of copyright that appears on the copy that is reproduced or includes a legend stating that the work may be protected by copyright if no such notice appears on the work."[58] Section 108(b) addresses copying for preservation and security. Section 108(b) states:

[54]Ibid.

[55]Ibid.

[56]Ibid.

[57]Ibid.

[58]Ibid.

> The rights of reproduction and distribution under this section apply to three copies of phonorecords duplicated if [t]he purpose of such duplication of an unpublished work is for preservation and security or for deposit for research in another library and if: (1.) [t]he copy or phonorecord reproduced is currently in the collection and (2.) [t]he copy reproduced in digital format is not otherwise distributed in that format and is not made available to the public in that format outside the premises.[59]

Section 108(c) addresses the replacement of damaged, deterioration and lost material. Section 108 (c) may apply the rights of reproduction for three copies or phonorecords of a work duplicated if "[t]he purpose of such duplication is to replace a published damaged, deteriorating, lost, stolen or obsolete copy and if [the following three subsections apply.]"[60] First, "[t]he library makes a reasonable effort to determine that an unused replacement cannot be obtained at a fair price."[61] Second, [a]ny copy reproduced in digital format is not made available to the public in that format outside the premises of the library or archives in lawful possession of such copy."[62] Third, [f]or the purposes of this subsection, a format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace."[63].

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[59]Gasaway, "Copyright Law in the Digital Age," 27.

[60]Ibid., 28.

[61]Ibid.

[62]Ibid.

[63]Ibid.

Sections 107 and 108 of The Copyright Act of 1976 apply copyright issues for all types libraries, for example academic, special, school and public libraries. Although these sections certainly apply to adult services, young adult services and children's services in public libraries, this study concentrates one service area, adult services, to learn the knowledgeability levels of librarians and library paraprofessionals employed in this area at public libraries.

This study does attempt to interpret copyright law and it relates how sections 101, 102, 106, 107 and 108 of The Copyright Act of 1976 apply to public libraries. Language changes can update the sections or subsections of The Copyright Act of 1976. Gasaway, along with additional authors, write of new developments or recent legislative activity on the topic of copyright and libraries which serve as additional ways to keep librarians and library paraprofessionals in adult services of public libraries informed and to improve their levels of knowledgeability on this topic.

In addition to The Copyright Act of 1976, books, journals, serials, websites and listservs provide ways for librarians and library paraprofessionals in public libraries to remain current on copyright law and libraries. Developing highlights enable librarians and library paraprofessionals to start personal plans of continuing education on this topic. Duration of copyright, copyright infringement, penalty amounts for copyright infringement broaden the range of topics. Jassin and Schechter annotate court cases on copyright law.[64] Several authors, including Jasper and Gasaway, identify the three

[64]Jassin and Schechter.

requirements for a notice of copyright. Jasper lists (1.) the copyright symbol ©, (2.) the year of publication and the name of the copyright owner.[65] Bruwelheide points to copyright registration changes that occurred in 1989 when the United States joined the Berne Conference.[66] As of March 1, 1989, creators are no longer required to register for copyright protection with the United States Copyright Office. However, Bruwelheide recommends that this process remains highly advisable due to its benefits. Gasaway writes brief and succinct articles on copyright and libraries in her monthly column Copyright Corner in *Information Outlook*, a publication of the Special Libraries Association. Past topics include on Commission on New Technological Uses of Copyrighted Works (CONTU), Digital Millennium Copyright Act of 1998 and *Intellectual Property and the National Information Infrastructure*, a report written by the Task Force on the National Information Infrastructure and commonly referred to as The White Paper. Gasaway writes about distance learning, interlibrary loan and Conference on Fair Use (CONFU) in some of her published journal articles.[67] Gasaway addresses networked electronic scholarly publishing.[68] Gasaway addresses deep linking web sites

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[65]Jasper, 26.

[66]Bruwelheide.

[67]Laura N. Gasaway, "Guidelines for Distance Learning and Interlibrary Loan: Doomed and More Doomed," *Journal of the American Society for Information Science* 50, no.14 (December 1999): 1337-1341.

[68]Laura N. Gasaway, "Scholarly Publication and Copyright in Networked Electronic Publishing," *Library Trends* 44 (Spring 1995): 679-700.

may appear to infringe copyright.[69] Many authors address copyright law and law libraries or copyright law and academic libraries or copyright law and school libraries. Few authors emerge with abundant information that offer starting points for which to build further research on the topic of knowledgeability of copyright law among librarians and library paraprofessionals who provide reference services to adults in public libraries. Although many authors present the facts about copyright law and libraries that all can be applied to all types of libraries, three authors provide information about copyright law and offer examples of what public libraries can do to increase the knowledgeability levels on of its librarians and library paraprofessionals on this topic.

Although a literature review on the topic of the knowledgeability of copyright law among librarians and library paraprofessionals discovers that more published works on copyright law and libraries exist which emphasize special libraries, particularly law libraries, and academic libraries, some published works exist which address the needs of public libraries. Within the professional literature in the field of library and information science, Arlene Bielefield, Lawrence Cheeseman, Laura N. Gasaway and Sarah K. Wiant emerge as four authors who examine the importance of libraries and library staff to continue to be knowledgeable of copyright law, dispel myths held by libraries and library staff regarding copyright law and library operations and offer recommendations for employees of public libraries to improve knowledgeability levels of copyright law.

[69]Laura N. Gasaway, "Does Deep Linking Infringe Copyright?" *Information Outlook* 4, no. 11 (November 2000): 41-42.

In their book entitled *Libraries and Copyright Law*, Arlene Bielefield and Lawrence Cheeseman explain copyright law, address the needs of libraries regarding copyright law and suggest ways in which library employees can improve their understanding of copyright law. Bielefield and Cheeseman write on the history of copyright law in the first section of their book and copyright law and specific library applications in the second section of this book.[70] In the first section on copyright law, Bielefield and Cheeseman enumerate myths held by libraries and library employees. In order to increase the levels of knowledgeability of librarians and library paraprofessionals employed in adult services in public libraries, these myths will be examined to decrease misunderstandings of copyright law based upon facts of copyright law. Bielefield and Cheeseman convey to libraries and library employees that knowledgeability of copyright significantly impacts library operations.

"If you work in a library, you probably work with copyrighted materials [and] if you work with copyrighted materials, you need to be knowledgeable about the laws governing them," state Bielefield and Cheeseman.[71] In order to achieve knowledgeability, Bielefield and Cheeseman identify eighteen myths held by libraries and library employees regarding copyright law and explain why these myths are false. The first myth states that "[i]t is not important for [one] as a librarian to know about the

[70]Bielefield and Cheeseman, 7.

[71]Ibid., 1.

copyright law."[72] The second myth states that "[c]opyright law only relates to photocopying."[73] The third myth states that "it is always difficult for comply with the copyright law."[74] The fourth myth states that "there is nothing that [one's] library can do without restriction under copyright law."[75] "Once [one's] library owns a copy of a book, then [one] can do anything [one] want[s] with [this book]," states the fifth myth.[76] The sixth myth states that "[t]he copyright law prevents libraries from forming cooperative arrangements."[77] The seventh myth states that "[t]here are no limitations on what and how a library puts something on display."[78] The eighth myth states that "[i]f it does not have a copyright notice on it, [then] it is not copyrighted and can be freely copied."[79] The ninth myth states that "[t]here are no special considerations that [library employees] have to observe concerning manuscripts in [its] library's own collection."[80] The tenth myth states that "[w]hen it comes to copyright violations, [one] do[es] not have to worry

[72]Ibid, 12.

[73]Ibid.

[74]Ibid.

[75]Ibid., 13.

[76]Ibid.

[77]Ibid., 14.

[78]Ibid.

[79]Ibid., 15.

[80]Ibid.

about what [one] do[es] not see."[81] "Public libraries and [its] employees are not eligible to become copyright owners, " states the eleventh myth.[82] The twelfth myth states that "[t]hat it is possible to copyright just about anything."[83] The thirteenth myth states that "[p]ublic libraries cannot be sued for copyright infringement."[84] The fourteenth myth states that "[i]f [one] paraphrases a work, [one is] not violating its copyright."[85] The fifteenth myth states that "[p]utting a work in a compilation keeps it out the of public domain."[86] "To be copyrighted, a work must be novel and ingenious and have literary merit," states the sixteenth myth.[87] The seventeenth myth states that "[t]he authors of a creative work have no moral rights to their creations."[88] "When copyright laws conflict with the first amendment's guarantee of freedom of speech, the copyright law is invalid," states the eighteenth myth.[89] By addressing these myths, Bielefield and Cheeseman help libraries and library employees to examine their understanding of copyright law and to correct misinterpretations of copyright.

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[81]Ibid.

[82]Ibid., 16.

[83]Ibid.

[84]Ibid.

[85]Ibid., 17.

[86]Ibid.

[87]Ibid.

[88]Ibid., 18.

[89]Ibid.

In addition to their book, Bielefield and Cheeseman present workshops on copyright law to librarians, teachers, school administrators and officials in higher education.[90] "...[W]e have come to realize that there is a fairly widespread lack of knowledge about the provisions of the law, as well as an attitude, particularly among educators, that no one would sue a school or a library," express Bielefield and Cheeseman.[91] Bielefield and Cheeseman expand on their realization "...by pointing out that it is not necessary for [a copyright] infringement suit to get to court for the infringer to be liable for money damages [and] ...a settlement is made quietly between author or publisher and the infringer with small amounts of money--$1,000 or $2,000 or $3,000—being paid."[92] Through their book and their workshops, Bielefield and Cheeseman relate information on copyright law that librarians and library paraprofessionals use to gain knowledge how copyright law impacts library operations, for example adult services in public libraries. In addition to Bielefield and Cheeseman, Laura N. Gasaway presents workshops and writes scholarly and professional pieces on copyright law and libraries.

Four authors, Arlene Bielefield and Lawrence Cheeseman and Laura N. Gasaway and Sarah K. Wiant, frequently address libraries in their writings on copyright law. Of these four authors, Gasaway emerges as the most prolific writer on this topic and Gasaway reiterates the importance of knowledgeability of copyright law for library

[90]Ibid., 5.

[91]Ibid.

employees in her published writings and her workshops. Although Gasaway does exclusively focus on public libraries, Gasaway includes relevant examples of public libraries and copyright law. This study highlights the important concepts presented in the works of Gasaway and the collaborative works of Gasaway and Wiant that cover knowledgeability of copyright law for libraries and library employees.

In her dedication to the book entitled *Growing Pains: Adapting Copyright Law for Libraries, Education, and Society,* editor Laura Gasaway provides the following dedication:

> This book is dedicated to those librarians and educators who struggle daily with the complexities of the copyright law as they try to provide library services to users and to teach students at all levels of education. Too few copyright publications focus on the needs of students and the users of libraries, this work aims to remedy that situation.[93]

Many librarians and library paraprofessionals, who may not have professional training in the field of law, strive to work within the context and application of copyright law in libraries, maintain knowledgeability levels of copyright law and avoid interpretation of copyright law. These librarians and library paraprofessionals also provide quality service to library patrons and locate and deliver information that meets the information needs of library patrons. In order to dispel myths about copyright law and libraries, libraries and library employees need to become knowledgeable of copyright law and to

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[92]Ibid.

[93]Gasaway, *Growing Pains: Adapting Copyright Law for Libraries, Education, and Society*, v.

increase their understanding of copyright law. While Bielefield and Cheeseman identify myths, Gasaway and Wiant construct scenarios that force library employees to think about copyright law and libraries during typical reference transactions at an assortment of libraries.

"Why should a librarian be concerned with copyright law? Because copyright is identified with written works, that connection is immediately apparent especially in the era of photocopiers, fax machines, optical scanners, and the like," asserts Gasaway, who wrote the book entitled *Libraries and Copyright: A Guide to Copyright Law in the 1990s* with Sarah K. Wiant.[94] Extending those concerns to librarians and library paraprofessionals employed adult services of public libraries, these concerns prompt needs for increased levels of knowledgeability of copyright law. At the time of the publication of their book entitled *Libraries and Copyright: A Guide to Copyright Law in the 1990s*, Gasaway works as the Director of the Law Library and as a Professor of Law at the University of North Carolina and Wiant works as the Director of the Law Library and as a Professor of Law at Washington Lee University. Gasaway and Wiant hold degrees as Juris Doctor (J.D.) and degrees as Master of Library Science (M.L.S.).[95] In this book, Laura N. Gasaway and Sarah K. Wiant provide scenarios of reference

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[94]Laura Gasaway and Sarah K. Wiant, *Libraries and Copyright: A Guide to Copyright Law in the 1990s* (Washington, DC: Special Libraries Association, 1994), 30-31.

[95]Ibid., 1-2.

interviews with library patrons and librarians, who mostly work in special and school libraries.[96]

In each scenario, the librarian faces a dilemma between retrieving and delivering the requested information to the library patron and violating copyright law during the process of retrieving and delivering the information. Gasaway and Wiant ask readers what librarians should do in the scenarios.[97] Drawing upon their knowledge of copyright law through professional library training or work experience or continuing education or understanding of employing library policy manuals or readings of works, library employees internally respond to these scenarios and library employees check their responses against the legal interpretations and analyses provided in the appendices by Gasaway and Wiant.[98] Since these scenarios demonstrate how librarians approach conflicts over the information needs of library patrons and copyright law and how librarians follow copyright law in challenging situations in predominantly special and school libraries, librarians must possess knowledgeability of copyright law. In addition to her published works and her collaborative work with Sarah K. Wiant, Laura N. Gasaway presents workshops on copyright law and libraries and Gasaway includes review questions describing scenarios involving academic, special, school and public libraries.[99]

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[96]Ibid.

[97]Ibid.

[98]Ibid.

[99]Laura N. Gasaway, "Copyright Law in the Digital Age," 83-84.

Although numerous authors write works on copyright law, few works exist which explore copyright law and libraries and no published works appear to exist that focus exclusively on copyright law and public libraries. From these general works on copyright law, the information furnishes a general background that can be applied to public libraries. Through their published writings and their workshop presentations on copyright law and libraries, these authors provide frameworks for which to base additional research in the area of the knowledgeability of copyright law for library employees.

Information on the history of copyright law, the definitions of copyright law, The Copyright Act of 1976, the explications of sections of The Copyright Act of 1976, modifications and development of copyright law legislation, the examination of works on copyright law and libraries by prominent authors and the scenarios of reference transactions in various types of libraries that challenge the application of copyright law in libraries provide a framework for librarians, library paraprofessionals and libraries to create an awareness of the importance of knowledgeability of copyright law for librarians, library paraprofessionals and libraries in the United States. Although several authors point to the knowledgeability of copyright law as an important skill for libraries and library employees and few authors create scenarios for libraries and library employees to ponder, this study finds that a need exists for further research in the area of the knowledgeability levels of copyright law among librarians and library paraprofessionals, who are employed in adult services at public libraries, which measures the knowledgeability levels of these groups.

## CHAPTER III

## OBJECTIVES

While few published works in the field of library and information science stress the importance of libraries and library employees to stay knowledgeable of copyright law, this study finds that no works appear to exist that measure the levels of knowledgeability among library employees, particularly librarians and library paraprofessionals employed in adult services in public libraries. Laura K. Gasaway and Sarah K. Wiant, who wrote *Libraries and Copyright: A Guide to Copyright Law in the 1990s*, design scenarios of typical reference transactions in various libraries. In these scenarios, library employees encounter conflicts between supplying requested information to library patrons and following The Copyright Act of 1976, notably section 107 on fair use and section 108 on reproduction by libraries and archives. After reading these scenarios, readers think about appropriate and lawful ways that library employees conduct these reference transactions with library patrons. Influenced by the scenarios of Gasaway and Wiant, this study moves beyond the creation of scenarios to generate internal responses and it measures the knowledgeability levels of copyright law of a small sample of librarians and library paraprofessionals employed in adult services at a large public library system in the United States.

This study seeks to determine if librarians and library paraprofessionals employed in adult services at a public library possess sufficient knowledgeability levels of copyright law. During reference transactions with adults, librarians and library paraprofessionals demonstrate their levels of knowledgeability of copyright law.

Although good communication skills and quality levels of service appear to render reference transactions successful, librarians and library paraprofessionals may lack knowledge of copyright law as it pertains to libraries. Do librarians and library paraprofessionals unknowingly or knowingly violate United States copyright law during reference transactions with library patrons at adult services reference desks of public libraries in the United States? On a small scale, this study measures the knowledgeability levels of copyright law among librarians and library paraprofessionals during employed in adult services at a large public library system in the United States.

# CHAPTER IV

# METHODOLOGY

To measure the levels of knowledgeability of United States copyright law among librarians and library paraprofessionals employed in adult services at public libraries, the methodology of a survey was used to measure these knowledgeability levels. Unable to survey librarians and library paraprofessionals employed in adult services at all public libraries in the United States, this study narrowed its focus to a small sample of library employees. Librarians and library paraprofessionals had the option to cease participation at any time during the survey. Using an anonymous questionnaire, this study surveyed librarians and library paraprofessionals employed in adult services at one large public library system in the United States.

This study contained several limitations. This study limited its scope to one large public library system in the United States. Narrowing its population to one geographic service area of this public library system, this study administered unobtrusive surveys to library employees to measure knowledgeability levels of copyright law on a small scale. This study chose a large public library system to increase survey participation. The population targeted twenty-three librarians and library paraprofessionals employed in adult services at this public library system.

Two terms, 'librarians' and 'library paraprofessionals', will generally be defined as library employees work in adult services at the selected large public library. Librarians will be specifically defined as library employees who attained Master of

Library Science (M.L.S.) degrees or Master of Library and Information Science (M.L.I.S.) degrees and work in adult services positions that require such degrees. Since librarians received professional training as librarians as exhibited by the attainment of degrees as Master of Library Science (M.L.S.) or Master of Library and Information Science (M.L.I.S.), these librarians are considered professionals. For the purposes of this study, these library employees will not be referred to as library professionals and will be referred to as librarians.

In these adult services positions, these librarians spend a large majority of their time conducting reference transactions with library patrons. Additionally, these librarians will have obtained degrees as Bachelor of Arts (B.A.) or Bachelor of Science (B.S.). While their job positions may not require more than a Bachelor of Arts (B.A.) or Bachelor of Science (B.S.) and a Master of Library Science or Master of Library and Information Science, these librarians may have additional degrees, such as Master of Arts (M.A.) or Master of Science (M.S.) or Doctor of Philosophy (Ph.D.) or Juris Doctor (J.D.). Librarians, who meet these education requirements and work in specialized or managerial positions, are not included in this survey since their positions entail additional responsibilities that limit the amount of time they work with library patrons at the adult services reference desks.

Library paraprofessionals will be defined as library employees, who did not earn Master of Library Science (M.L.S.) degrees or Master of Library and Information Science (M.L.I.S.) degrees. Library paraprofessionals attained Bachelor of Arts (B.A.) degrees or Bachelor of Science (B.S.) degrees and they work in adult services positions

that require Bachelor's degrees. Although not required to perform their job responsibilities, these library paraprofessionals may have advanced degrees, such as Master of Arts (M.A.) or Master of Science (M.S.) or Doctor of Philosophy (Ph.D.) or Juris Doctor (J.D.). Library paraprofessionals assist librarians in the completion of reference transactions with library patrons at the adult services reference desks of this public library system.

# CHAPTER V

## DATA ANALYSIS

In March 2002, the author of this study distributed questionnaires to twenty-three library employees employed in adult services within geographic limits at one large public library system to survey their knowledgeability levels of copyright law as it pertains to libraries. These twenty-three library employees consist of librarians and library paraprofessionals. These librarians and library paraprofessionals responded to the scenarios based upon individual knowledge of copyright law. This knowledge may have been gained through professional training, continuing education, work experience, library policy manuals and personal reading of works on copyright law and libraries. This survey used anonymous and confidential questionnaires. Based upon the questionnaires distributed and the completed questionnaires returned, this survey calculated and analyzed the data to present its findings on the knowledgeability of copyright law among a small sample of librarians and library paraprofessionals employed in adult services at a large public library system.

Of the twenty-three questionnaires sent to librarians and library paraprofessionals, thirteen completed questionnaires were returned. No incomplete questionnaires were received. Of the twenty-three persons selected for this survey, thirteen persons chose to participate and the return rate equaled fifty-seven percent. Seven librarians participated and six library paraprofessionals participated in this survey. See the table on the next page for the survey response rate.

**Survey Response Rate**

| Total Number of Questionnaires Distributed | Total Number of Questionnaires Received | Response Rate |
|---|---|---|
| 23 | 13 | 57% |

Of these seven librarians, seven persons held degrees as Master of Library Science (M.L.S.) or Master of Library and Information Science (M.L.I.S.). Persons, who held degrees as Bachelor of Arts (B.A.), outnumbered persons, who held degrees as Bachelor of Science (B.S.). Of these seven librarians, no persons held degrees as Juris Doctor (J.D.). Of the six library paraprofessionals, no persons held degrees as Master of Library Science (M.L.S.) or Master of Library and Information Science (M.L.I.S.). Persons, who held degrees as Bachelor of Arts (B.A.), outnumbered persons, who held degrees as Bachelor of Science (B.S.). Of the six library paraprofessionals, no persons held degrees as Juris Doctor (J.D.). These thirteen persons, composed of seven librarians and six library paraprofessionals, voluntarily participated in this survey by completing and returning questionnaires to the author of this study.

In this survey, the author of this study devised five scenarios illustrating reference transactions that may occur at the reference desks designated for adult services at public libraries (see Appendix A). Librarians and library paraprofessionals assist library patrons by locating and delivering the requested information. In some cases, these

library patrons consist of members of the general public and library employees. Based upon their individual knowledge of copyright law as it pertains to libraries, librarians and library paraprofessionals, who are employed in adult services at this particular public library system, responded to these five scenarios.

The thirteen participants responded to these five scenarios. Two statements followed each scenario and participants indicated which statement they chose by placing a checkmark or placing an X to the left of each statement. By selecting the first statement, the participant agreed with the course of action taken in the scenario. "Based upon your knowledge of copyright law and legal issues pertaining to libraries, the library employee chose an appropriate response," states the first option. See Appendix A. By selecting the second statement, the participant disagreed with the course of action taken in each scenario. "Based upon your knowledge of copyright law and legal issues pertaining to libraries, the library employee chose an inappropriate response," states the second option. See Appendix A. After the participants returned the questionnaires, the responses were calculated.

Seven librarians completed and returned questionnaires that contained five scenarios to generate responses based on individual knowledge of copyright law and libraries. See Appendix A for descriptions of each scenario. For the first scenario, seven librarians marked the first statement and no librarians marked the second statement. For the second scenario, two librarians marked the first statement and five librarians marked the second statement. For the third scenario, five librarians marked the first statement and two librarians marked the second statement. For the fourth

scenario, six librarians marked the first statement. No librarians marked the second statement. Since seven librarians participated in this survey, the data suggests that one of the seven librarians omitted to answer the fourth scenario for unknown reasons. For the fifth scenario, one librarian marked the first statement and six librarians marked the second statement.

Six library paraprofessionals completed and returned questionnaires that contained five scenarios to generate responses based on individual knowledge of copyright law and libraries. See Appendix A for descriptions of each scenario. For the first scenario, six library paraprofessionals marked the first statement and zero library paraprofessionals marked the second statement. For the second scenario, three library paraprofessionals marked the first statement and three library paraprofessionals marked the second statement. For the third scenario, three library paraprofessionals marked the first statement and three library paraprofessionals marked the second statement. For the fourth scenario, six library paraprofessionals marked the first statement and zero library paraprofessionals marked the second statement. For the fifth scenario, zero library paraprofessionals marked the first statement and six library paraprofessionals marked the second statement. See Chapter VI for summary tables for responses from librarians and library paraprofessionals.

## CHAPTER VI

## ANTICIPATED RESULTS

Based upon a literature review, this study anticipated that its survey findings concurred with the findings of authors that a lack of sufficient knowledge of copyright law exists among librarians and library paraprofessionals employed in libraries. This study expected that librarians, who received professional library training by the attainment of degrees as Master of Library Science (M.L.S.) or Master of Library and Information Science (M.L.I.S.), would exhibit higher knowledgeability levels than library paraprofessionals, who did not earn such degrees. Additional factors, such as continuing education or work experience, may have contributed to increased levels for both groups. Surveying a small sample of library employees at one large public library system in the United States using anonymous questionnaires of five scenarios devised by the author of this study, this study attempted to measure whether librarians and library paraprofessionals answered the scenarios with the preferred responses based on sections of The Copyright Act of 1976 presented in Chapter II of this study on the literature review.

This study reported data from the number of librarians and library paraprofessionals who voluntarily chose to participate in this survey by using their knowledge of copyright law and libraries to answer the scenarios. Although this study anticipated that librarians would choose the preferred responses in the five scenarios, librarians chose four of five preferred responses for these scenarios. Library

paraprofessionals performed better than this study anticipated and this group chose three of five preferred responses.

The first scenario illustrated a dilemma involving a library patron, library employees and the viewing of a video licensed for home-use only and not licensed with public performance rights (PPR) in the public library. Librarians and library paraprofessionals unanimously selected the preferred response, response 1, for scenario 1.

**Responses by Librarians and Library Paraprofessionals for Scenario 1**

| | Librarians | Librarians | Library Paraprofessionals | Library Paraprofessionals |
|---|---|---|---|---|
| | Appropriate Response (Response 1) | Inappropriate Response (Response 2) | Appropriate Response (Response 1) | Inappropriate Response (Response 2) |
| Scenario 1 | 7 | 0 | 6 | 0 |

**Total Responses and Preferred Responses for Scenario 1**

| | Total of Appropriate Responses (Response 1) | Total of Inappropriate Responses (Response 2) | Preferred Responses Based on The Copyright Act of 1976 |
|---|---|---|---|
| Scenario 1 | 13 | 0 | Response 1 |

The second scenario illustrated a dilemma which involved library employees at the public library and the reproduction and archive of two copies of the cover story article of a local newsstand magazine. This magazine devoted one monthly issue to rate the suburbs and library patrons frequently request to view this particular issue.

Library patrons gather information about the top-rated suburbs to prepare for the purchase of houses in these communities. Of the seven librarians, five librarians selected the preferred response, response 2, in scenario 2. Responses for library paraprofessionals tied in scenario 2.

**Responses by Librarians and Library Paraprofessionals for Scenario 2**

| | Librarians | Librarians | Library Paraprofessionals | Library Paraprofessionals |
|---|---|---|---|---|
| | Appropriate Response (Response 1) | Inappropriate Response (Response 2) | Appropriate Response (Response 1) | Inappropriate Response (Response 2) |
| Scenario 2 | 2 | 5 | 3 | 3 |

**Total Responses and Preferred Responses for Scenario 2**

| | Total of Appropriate Responses (Response 1) | Total of Inappropriate Responses (Response 2) | Preferred Responses Based on The Copyright Act of 1976 |
|---|---|---|---|
| Scenario 2 | 5 | 8 | Response 2 |

The third scenario illustrated a dilemma regarding a public performance of copyrighted works of music in the public library. The copyrighted works of music are in the form of compact discs (CDs). The public library owns these CDs but it does not own the copyrights. Library employees play and listen to copyrighted works of music in the public library, a venue outside of their immediate circle of family and friends. In scenario 3, two of the seven librarians chose the preferred response, response 2. Scenario 3 also challenged library paraprofessionals whose responses tied.

**Responses by Librarians and Library Paraprofessionals for Scenario 3**

| | Librarians | Librarians | Library Paraprofessionals | Library Paraprofessionals |
|---|---|---|---|---|
| | Appropriate Response (Response 1) | Inappropriate Response (Response 2) | Appropriate Response (Response 1) | Inappropriate Response (Response 2) |
| Scenario 3 | 5 | 2 | 3 | 3 |

**Total Responses and Preferred Responses for Scenario 3**

| | Total of Appropriate Responses (Response 1) | Total of Inappropriate Responses (Response 2) | Preferred Responses Based on The Copyright Act of 1976 |
|---|---|---|---|
| Scenario 3 | 8 | 5 | Response 2 |

The fourth scenario illustrated a dilemma regarding the reproduction and transmission of copyrighted work of musical score and the inclusion of a source citation of this copyrighted work of musical score as protected under copyright law in an emergency situation. Six librarians chose the preferred response, response 1, for scenario 4 and one librarian opted to leave the response lines for this scenario blank. The six library paraprofessionals chose the preferred response for this scenario.

**Responses by Librarians and Library Paraprofessionals for Scenario 4**

| | Librarians | Librarians | Library Paraprofessionals | Library Paraprofessionals |
|---|---|---|---|---|
| | Appropriate Response (Response 1) | Inappropriate Response (Response 2) | Appropriate Response (Response 1) | Inappropriate Response (Response 2) |
| Scenario 4 | 6 | 0 | 6 | 0 |

**Total Responses and Preferred Responses for Scenario 4**

| | Total of Appropriate Responses (Response 1) | Total of Inappropriate Responses (Response 2) | Preferred Responses Based on The Copyright Act of 1976 |
|---|---|---|---|
| Scenario 4 | 12 | 0 | Response 1 |

The fifth scenario illustrated a dilemma regarding the reproduction of twenty copies of a page located in a copyrighted book, the omission of source citation information for this page and the inclusion of this page as a component of a work produced by a library employee with public library stationery. Six of the seven librarians selected the preferred response, response 2, for scenario 5. Data reported for scenario 5 indicated that library paraprofessionals answered this scenario better than librarians answered. The six library paraprofessionals selected the preferred response for scenario 5.

**Responses by Librarians and Library Paraprofessionals for Scenario 5**

| | Librarians | Librarians | Library Paraprofessionals | Library Paraprofessionals |
|---|---|---|---|---|
| | Appropriate Response (Response 1) | Inappropriate Response (Response 2) | Appropriate Response (Response 1) | Inappropriate Response (Response 2) |
| Scenario 5 | 1 | 6 | 0 | 6 |

**Total Responses and Preferred Responses for Scenario 5**

| | Total of Appropriate Responses (Response 1) | Total of Inappropriate Responses (Response 2) | Preferred Responses Based on The Copyright Act of 1976 |
|---|---|---|---|
| Scenario 5 | 1 | 12 | Response 2 |

Although the results of this small study survey did not meet anticipated participation levels, this study provides a framework for which to base further research using an extensive study on the topic of the knowledgeability levels of copyright law and libraries among librarians and library paraprofessionals employed in adult services at public libraries in the United States. If the results of this study indicate a trend among responses from librarians and library paraprofessionals, then this study concludes that library employees may not be sufficiently knowledgeable about copyright law pertaining to reference transactions in adult services at public libraries in the United States.

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APPENDIX A.

QUESTIONNAIRE

Survey of the Knowledgeability of Copyright Law and Legal Issues
Pertaining to Adult Services Among Librarians and
Library Paraprofessionals Employed in a Large Public Library System

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**In which position are you employed? Please X or check the appropriate line.**

_____ Librarian—Adult Services

_____ Library Paraprofessional—Adult Services

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What degrees do you hold? Please X or check all applicable lines.

_____ B.A.

_____ B.S.

_____ M.A.

_____ M.S.

_____ M.L.S/M.L.I.S.

_____ Ph. D.

_____ J.D.

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The following five scenarios illustrate reference transactions that librarians and library paraprofessionals may have with library patrons at the adult services reference desk of a large public library system.

**Based upon your knowledge of copyright law and legal issues pertaining to reference services for adults in public libraries, please X or check the applicable line.**

1. On the night of the home school group meeting in the meeting room of the public library, a parent realized that he forgot the PPR video at home. Before the meeting began, this parent browsed the library's video collection and he found a copy of his needed video on a shelf. When this parent asked the library employee at the reference desk for access to the meeting room, he told the library employee how he forgot his PPR video at home and he luckily found a copy of the video on the library shelf. The library employee smiled and walked to another area of the library to retrieve the meeting room key. While the parent waited at the reference desk, a second library employee approached him and asked if he needed assistance. He told the second library employee about his good fortune and he showed the video, which he found on the library shelf, to her. The second library employee noticed that this video contains home use rights only. The second library employee politely informed this parent that this video contains home use rights only and does not contain public performance rights. The second library employee told the parent that copyright laws do not permit the viewing of the video, which contains home use rights, in the meeting room of the public library. Copyright laws permit the video, which contains public performance rights, to be viewed in the meeting room of the public library. The second library employee did not allow the viewing of a video licensed with home use rights in the meeting room of the public library.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employee chose an appropriate response.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employee chose an inappropriate response.

2. A local magazine publisher publishes a monthly magazine that highlights community events and attractions. This magazine devotes one of its monthly issues to rate several cities in the community. When this issue arrives at the public library and current issues of magazines do not circulate, many patrons ask to read it. In previous years, library employees discovered missing pages in the section that listed the ratings of the cities. This year, library employees decided to photocopy the ratings section to have a backup copy of this article. After making one photocopy of the articles on rating the cities, library employees found numerous patrons asked to read the magazine or the photocopy of the articles contained in the magazine. Since demand to read the articles increased and the possibility of theft increased, library employees decided to a second photocopy of these articles to store in a file drawer at the reference desk with the magazine and the first photocopy of these articles. Under these conditions, copyright

laws permit the library to reproduce more than one copy of the articles and distribute to library patrons to read.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employees chose an appropriate response.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employees chose an inappropriate response.

3. During the holiday season, library employees chose holiday CDs from the CD units in the public library to play softly in CD players at the reference desk and the circulation desk. Library employees wanted to create atmosphere in the public library during the holiday season by playing holiday music. Since the public library owned these CDs, the library employees decided that playing library-owned CDs at the circulation desk was not a public performance. The library employees selected several holiday CDs with soft music or instrumental music that would not create a disturbance in the public library. Throughout the day, the library employees played all of the holiday CDs and they enjoyed the music while completing their work responsibilities.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employees chose an appropriate response.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employees chose an inappropriate response.

4. A library patron telephones a reference services library employee with a request to locate a particular music score of hymn that he needs to play at a funeral in two hours. The library employee locates the score in a book of religious and patriotic hymns. Unable to drive to the public library, the library patron asks the library employee to photocopy and fax the music score. The library patron provides his fax number. The library employee states that she will be able to photocopy and fax the music score. After photocopying the music score, the library employee finds the stamper that states that the work may be protected by copyright. The library employee stamps this message on the pages of music score. The library employee also writes a citation for the published book in which she found the music score on the photocopied pages.

When she finishes stamping, the library employee faxes the music score to the library patron. It was necessary to include information about copyright protection before transmitting a reproduction by fax.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employee chose an appropriate response.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employee chose an inappropriate response.

5. A library employee teaches a computer instruction class for library patrons on how to use the web-based library catalog. Prior to the beginning of the computer instruction class, the library employee created handouts on how to use the library catalog which library patrons could take home. On each handout, the library employee listed his name, his job title, the name of the public library and the address of the public library. The library employee placed these handouts in folders with the public library's logo on the front covers. This library employee also included a copyright symbol before his name. In the computer instruction lab classroom, library patrons sit at individual computer workstations for the library employee's presentation and laptop computer demonstration. When the library employee realizes that the library patrons do not understand the elements of a popular Internet browser that the public library uses with its web-based catalog, this library employee allows the library patrons to take a short break. While the library patrons take their break, the library employee retrieves a book from the library shelf on the particular Internet browser. Scanning the book, the library employee found a page with an excellent screenshot of this Internet browser and simple explanations of each button. Quickly, the library employee photocopied twenty copies of this page for the twenty library patrons in his computer instruction class. When the break ended, the library employee resumed the class and he distributed the twenty photocopies to the library patrons. The library patrons filed these photocopied pages in their library computer instruction class folders. After the class ended, most library patrons left the public library. One library patron walked to the library shelf of computer books and she took a few books to the circulation desk for checkout.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employee chose an appropriate response.

_____ Based upon your knowledge of copyright law and legal issues pertaining to public libraries, the library employee chose an

inappropriate response.

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